IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 30520 of 2006(G)

PETITIONER:

MUHAMMED BASHEER,
SHAMEEMA MANZIL, KALLINGAL,
NEDUMANGADU, THIRUVANANTHAPURAM.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR
SRI.A.ABDUL KHARIM

RESPONDENTS:

THE SECRETARY,
NEDUMANGADU MUNICIPALITY,
NEDUMANGADU, THIRUVANANTHAPURAM.

BY ADV. SRI.P.RAMAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 30520 of 2006

Dated this 12th day of December, 2006

JUDGMENT

The petitioner is aggrieved by Ext.P8 provisional order passed by the Municipality. In Ext.P8 it is alleged that the petitioner is constructing compound wall on the land which has been surrendered by the petitioner for a road. Sri.P.Ramakrishnan, the learned Standing Counsel for the Municipality submits that the petitioner is now constructing the compound wall on the land which was actually surrendered by him. It appears, according to the standing counsel, that the petitioner is having second thought on the surrender made by him. Sri.P.Gopalakrishnan Nair, the learned Standing Counsel would resist the above submissions. According to him, construction which has been undertaken by the petitioner is strictly in accordance with the building permit and there is no evidence whatsoever to show that construction is made on the land which is actually surrendered.

I do not propose to consider the genuineness of the

allegations raised by the petitioner. To Ext.P8 the petitioner has submitted Ext.P10. It is only appropriate that the Municipality takes an early decision on Ext.P10. Accordingly, the writ petition will stand disposed of with the following terms and observations:

The Municipality will finalise Ext.P8 in the light of Ext.P10 after hearing the petitioner within 10 days of receiving a copy of this judgment. In the meanwhile, there will be a direction that the Municipality will not interfere with the construction of compond wall by the petitioner on the land which actually remains with the petitioner after the surrender. Once final orders are passed, the petitioner will be served with a copy of that order.

PIUS C.KURIAKOSE
Judge

dpk